

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Preijert, Stefan; <i>et al.</i>	Group Art Unit:	3726
Serial No.:	10/605,340	Confirmation No.	2339
Date Filed:	September 23, 2003	Examiner:	COZART; Jermie E. (571)272-4528
For:	HOLLOW CONSTRUCTION ELEMENT		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Addendum to Response to Office Action

The Response to the December 31, 2008 Office Action (incorrectly entitled “Response to Final Office Action”), which was filed June 30, 2009, should have the third full paragraph on page 10 amended as follows (added language being italicized).

Third, and most significant, Schneider discloses one complete process that relies on die-forging of the parts, whereas Lee discloses another complete process that relies on roll-forging of a single part. The claimed method, in contrast, requires both a roll-forming step and a die-forging step to shape the first blank. The issue, then, is why it would have been obvious to add a further, roll-forging step (as per Lee) into the complete, self-sufficient or stand-alone die-forging process of Schneider, and the Examiner’s explanation as to why the claimed combination would have been obvious (“in order to form the blank into a vehicular structural member having the desired shape”) fails to address or explain that issue. In fact, the Examiner’s explanation, which really says nothing more than *that* it would have been obvious to use roll-forming to obtain a desired shape, ultimately does not say anything meaningful at all. *Thus, without proper, meaningful rationale to support it, the proffered combination of references reveals itself to be what it really is: a hindsight-driven, recipe-type attempted reconstruction of the claimed invention using the claims to guide it, and that is improper.*

Novak Druce + Quigg LLP
1000 Louisiana, Fifty-Third Floor
Houston, Texas 77002
(713) 571-3400
(713) 456-2836 (fax)
ken.fagin@novakdruce.com

Respectfully submitted,

/Kenneth M. Fagin/

Kenneth M. Fagin
Reg. No. 37,615